

## SCHOOL ADMISSIONS

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## I. General Information

### Purpose

To establish guidelines for student assignment; first-time enrollment; proof of residency; entrance age and cut-off date; homeless students; and student transfers.

### Scope

This policy applies to all Shelby County Schools students.

## **Definitions**

Parent, legal guardian, legal custodian –person with legal responsibility for a child.

Educational Capacity – including consideration of space allocation for Pre-K; CDC; ESL; career and technical programs; specialty programs; staffing; general program offerings; and other factors determined relevant by the District.

## **Responsibility**

The department responsible for making student assignments and verifying residency is responsible for implementing this policy.

The department responsible for addressing the needs of homeless and/or displaced students is responsible for implementing the provisions of this policy that apply to homeless and/or displaced students.

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## **II. STUDENT ASSIGNMENT AND TRANSFERS**

### **Student Assignment**

All school aged students attending school within the Shelby County Schools boundaries are assigned to schools based on their residence, as is reflected by the residence of their custodial parent/legal guardian/custodian. A child whose care, custody, and support has been assigned to a resident of the County of Shelby in the Shelby County Schools District by power of attorney or order of the court shall be enrolled in school provided appropriate documentation is reviewed and approved by the District. Thereby all students who live in the County of Shelby in the Shelby County Schools District with their parents/legal guardians/custodians shall be admitted to the public schools without payment of tuition. Proof of legal residence and legal custody may be required.

### **Student Transfers**

The Board believes in developing and maintaining superior curricular and programmatic offerings in all schools. The Board's expectation is that all schools demonstrate commitment to academic excellence within a stimulating and safe teaching/learning environment. The Board recognizes that parents/legal guardians/custodians make educational decisions to fit the varying needs, interests, and academic goals of each of their children and that they may wish to have their children attend a school located in an area other than that of their assigned school.

Therefore, the District shall offer student transfers that provide options for parents/legal guardians/custodians and enhance the educational environment and overall school community at individual schools.

The feasibility of allowing transfers into schools within the District, at a minimum, shall consider the educational capacity of the school including space allocation for specialty programs, staffing, general program offerings, and crowding/overcrowding.

The District shall also review transfer trends to prevent unintended effects such as inequities, disparities, and instability/underutilization in certain schools or attendance zones.

The school system shall provide parents/legal guardians/custodians with information regarding the educational programs available and shall consider student transfers according to the provisions outlined below.

#### A. Specialized Programs

Specialized programs (e.g., International Baccalaureate Programme, Optional Schools) have unique academic and/or behavioral criteria that must be met. The appropriate transfer period and application process for specialized programs will be posted on the District's web site.

#### B. General Transfers/Open Enrollment

The general transfer process/open enrollment is designed to give all families the opportunity to select the best educational experience available for their children.

#### Transfer Period

The transfer application period/open enrollment period for all students will be communicated to the public annually by the District. Submissions should be made prior to the upcoming school year. Transfer requests will not be considered after these dates **except** for those that qualify as an eligible circumstance.

Eligible circumstances include:

- Death of parent/legal guardian/custodian
- Divorce of parent/legal guardian/custodian
- Change of residence

Eligible circumstances are intended to allow a child to remain and/or transfer to a school when the above circumstances arise during the course of a regular school year. The District may also make student placements outside of the transfer period if required by law or determined necessary by the District (e.g., special education, safety, adjustment, psychological, or medical needs of a student).

### General Transfer Provisions

All Shelby County Schools students residing within the Shelby County Schools attendance zone boundaries, including the children of non-school building employees, may request a transfer to any school within the Shelby County Schools System. These requests will be considered, after the school District grants transfers requested pursuant to Transfer Priorities 1-4 below, on a space available basis in the order each application is received.

The following general provisions apply to student transfers:

1. Previously-Granted Transfer Renewal - A previously granted transfer will remain in effect through the child's exit grade at a particular school, provided the child continues to meet the eligibility requirements. Written confirmation will be sent to the parent/legal guardian/custodian prior to registration each year.
2. Current Sibling Transfer Renewal - If a student has been granted a transfer based on their siblings' enrollment at a school, the student shall be permitted to attend the school to which they were transferred through that particular school's exit grade level.
3. Exit Grade (last grade in the school) Request - A student entering an exit grade may request to remain at the current school if the parents/legal guardians/custodians move to another attendance zone within Shelby County School District.

### Transfer Priorities

Transfer requests shall be considered by the following priority schedule:

1. Shelby County Schools School Building Employee Transfer Requests - Shelby County Schools' school building employees, upon request, shall receive transfers for their children to their base/assigned work location, a school within the feeder pattern, or a school near their school (base/assigned work location) with applicable grade levels to serve their children. Educational capacity or other factors deemed relevant by the District may be considered for feeder pattern or nearest appropriate schools. Eligible individuals must be permanent

full time employees. This designation does not include interim employees. Additionally, tuition may apply for employees residing out-of-county or out-of-state in accordance with Board policy.

2. New Requests for Sibling Transfers - Students with siblings already at a school may request a transfer to the same school as their enrolled sibling. If a student is granted a transfer based on their siblings' enrollment at a school, the student shall be permitted to attend the school to which they were transferred through that particular school's exit grade level. Siblings must be enrolled at the requested school during the school year for which sibling attendance is requested.
3. Transfer Requests Based on Rezoning - Students whose school assignment has been changed due to rezoning will be considered for transfers to the last school attended where space is available if they are entering an exit grade the year that rezoning occurs.
4. High School Course of Study Transfer- High school students may request a transfer to a school that offers a course of study that is not currently offered at their assigned school. Requests will be evaluated based upon spaces apportioned for the course and if granted, the student will be required to enroll in the requested course upon admission and continue in the course of study to maintain the transfer. (This does not include the International Baccalaureate (IB) Programme or Optional Schools Program). All course of study transfers will be reviewed centrally with input from the involved school in order to evaluate academic course offerings and to ensure equitable access to course offerings.
5. All Shelby County Schools Students NOT classified within priorities 1-4 above.
6. Transfer Requests from Non-Resident Students (excluding the children of Shelby County Schools employees) - Non-resident students may request a transfer. Said transfer requests may be considered provided all renewals and transfers have been granted under the sections on General Transfer Provisions and Transfer Priorities immediately above and space is available. Non-resident transfer requests shall be considered by the following priority schedule:
  - 1) Out-of-Shelby County Schools District within Shelby County (except where administrative waivers apply)
  - 2) Out-of-County within Tennessee – Tuition may apply in accordance with Board policy.
  - 3) Out-of-State - Tuition shall be charged in accordance with Board policy.

In accordance with the provisions above, the District shall endeavor to grant all transfers that are properly submitted in a timely manner. In the event that the District

identifies space/capacity or logistical issues during the transfer process, transfers shall be evaluated by the District in the order each application is received or, when necessary, on a case-by-case basis.

### Denial/Revocation of Student Transfers

Student transfers may be denied or revoked at any time if the student fails to meet or maintain acceptable academic, attendance (including tardies and late pick-ups), behavior, and/or other eligibility criteria. Parents are encouraged to monitor their child(ren)'s behavior, academic performance, and attendance and work with the school if necessary to ensure their child(ren) successfully maintain their transfers. Students whose transfers are denied or revoked are to attend their assigned school, unless otherwise determined by the Superintendent (or designee).

### Transportation

Transportation for students who are granted transfers by the District shall be the responsibility of the parents/legal guardians/custodians unless otherwise required by law or provided in Board policy.

### Athletics

Under certain circumstances, a transfer could jeopardize the athletic eligibility for a student. Please refer to TSSAA rule/regulations/guidelines for complete information on athletic eligibility and student transfers.

Additionally, students who provide false, inaccurate, or erroneous information to obtain a student transfer may jeopardize his/her privilege to participate in student athletics within the District.

### Challenges to Student Assignments

#### *Delegation of Authority to a Committee and a Competent Examiner*

The Board hereby delegates its authority to review challenges to student assignments to a three (3) - member committee consisting of one (1) current Board member and two (2) employees of the Board. The Board further delegates to one (1) or more competent examiners its authority to conduct the hearings, to take testimony and to make a report of the hearings to said committee for determination.

### *Appointment of the Committee*

At its last meeting before the annual student transfer period, the Shelby County Board of Education shall designate a committee (hereinafter “the Committee”) which shall be comprised of one (1) Board member and two (2) Shelby County Schools employees who are not employees of the Shelby County Schools Department responsible for student assignment/transfer, to decide challenges to student assignments. The Board member serving on the Committee shall be elected by a majority vote of the Board membership at its last meeting before the annual student transfer period. The Board may designate more than one (1) Board member to serve on the Committee on a rotating basis, but not more than one (1) Board member may serve on the Committee at one time. The Superintendent shall designate the two (2) Board employees who will serve on the Committee by no later than the date of the last meeting before the annual student transfer period.

### *Parent Appeal*

Parents may appeal denied requests for student assignments to the Shelby County Board of Education within ten (10) business days of the date on which the determination of the student assignment was made. After receiving the appeal, the Board shall refer the appeal to one (1) or more competent examiners assigned to hear appeals. The competent examiners shall provide written notice of the date and place of the hearing to the parents, guardians or legal custodian of the child by mailing a notice of hearing to the party at the party’s last known mailing address at least ten (10) days before the date of the hearing. The competent examiners shall conduct the hearings, take testimony and make a report of the hearings to the Committee for determination.

### *Determination of the Committee*

Within a reasonable time after the completion of the hearing and based on the report from the competent examiner, the Committee shall enter a written order either granting or denying the appeal of the assignment. A copy of the order and the findings of the Committee shall be mailed to all parties appearing at the hearing at their last known mailing address within five (5) business days from the date of the order.

### *Review by Chancery Court*

Both parents, if living, or the parent, guardian or legal custodian of a child assigned by a final order of the Committee, may, at any time within thirty (30) days from the date of the Committee’s final order, obtain a judicial review of the order by filing a petition for review in the Chancery Court of the county where the Board of Education is located.

## Transfer Students' Records

In accordance with state law, if a student transfers from a school to another school within the Shelby County Schools district, the district shall send copies of the student's records, including the student's disciplinary records, to the school to which the student transfers.

Additionally, in accordance with to state law, if a student transfers from an LEA to another LEA, then the LEA from which a student transfers shall remit copies of the student's records, including the student's disciplinary records, to the LEA to which the student transfers.

All records shall be remitted in accordance with the Family Education Rights and Privacy Act, codified at 20 U.S.C. § 1232g. The transfer of records does not apply to any child who:

- a) has received a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state;
- b) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED(R)) from a state-approved institution or organization or who has obtained a GED(R) unless the student is under eighteen (18) years of age and is not making satisfactory progress in the program;
- c) is six (6) years of age or younger and whose parent or guardian has filed a notice of intent to conduct a home school with the Superintendent or the director of a church-related school; or
- d) is a student enrolled in a home school who has reached seventeen (17) years of age.

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<sup>1</sup>Each hearing shall be video recorded. It shall be the responsibility of the Committee to ensure that the video recorder has been secured for the hearing.

Policy History: 6008 Student Transfer Policy - Issued Date: 08/26/10; 11/27/12.

Legal References:

TCA 49-6-3102 through 3103; OP Atty. Gen. 99-055 (March 9, 1999)

TCA 49-6-3103

TCA 49-6-3201

TCA 49-6-3001 (c) (1) (2) (3)



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### **III. ENTRANCE AGE AND CUT-OFF DATE FOR ENTERING KINDERGARTEN**

#### Entrance Age

A child must be five (5) years of age on or before August 31 for the 2013-2014 school year and on or before August 15 for all school years thereafter of the current school term to be admitted to kindergarten.

A child must be six (6) years of age on or before September 30 of the current school term to be admitted to the first grade. All children entering the first grade must have attended an approved kindergarten.

Any transfer student legally enrolled as a first grade student in another state who will be six (6) years of age no later than December 31 of the current school year, making application for admission, shall be eligible for enrollment in the Shelby County Schools.

Any child legally enrolled in an approved kindergarten in another state during the preceding school year and who could have enrolled in the first grade in that state in the current school year, making application for admission, shall be eligible for enrollment in the first grade in the Shelby County Schools provided he/she is six (6) years of age on or before December 31 of the current year.

Children with disabilities may be enrolled in the Shelby County Schools provided the eligibility requirements as determined by the state of Tennessee have been met.

#### Cut-off Date for Entering Kindergarten

Parents/legal guardians/custodians are encouraged to enroll students who are of legal age in kindergarten at the beginning of the school year. Students who have not been enrolled previously in kindergarten will not be accepted after the first thirty (30) days of the school year. Students who have been enrolled previously in an approved kindergarten will be accepted at any time.

Children who participate in an LEA-administered prekindergarten program, a prekindergarten program administered by a private school as defined by State law or a Head Start program in a Head Start classroom as defined by Federal law during the 2012-2013 or 2013-2014 school years may enter kindergarten in the 2013-2014, 2014-

2015, or 2015-2016 school years; provided that they shall be five (5) years of age on or before August 31, 2015.

Policy History: 6004 Entrance Age - Issued Date: 08/26/10; 6005 Cut-off Date for Entering Kindergarten - Issued Date: 08/26/10

Legal References:

TCA 49-6-3001

Tennessee State Board of Education Rule § 05020-1-3-.09

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## **IV. ENROLLMENT**

### General Requirement

Proof of legal residence and legal custody shall be required for enrollment in school unless otherwise prohibited by law and/or Board policy. (For assistance with questions or concerns regarding proof of legal residence and legal custody, schools and/or parent/legal guardian/custodian should contact the district office responsible for student enrollment.)

### First-time Enrollment

The parent/legal guardian/custodian of any student entering school for the **FIRST TIME** must present:

a) At the time of registration, officially acceptable evidence of date of birth (Examples include documents such as birth certificates, visas, passports, or adoption documentation.)

With regard to birth certificates, the name used on the records of a student entering school must be identical to the name shown on the birth certificate unless evidence is presented that such name has been legally changed through a court as prescribed by law. If the parent/legal guardian/custodian does not have or cannot obtain a birth certificate, then the name used on the records of such student will be the same as that shown on documents which are acceptable to the school principal as proof of date of birth. Exceptions will be made for students who meet the federal homeless/migrant and immigrant provisions and guidelines;

b) Evidence of a current medical examination - The medical examination must be completed by a doctor of medicine, osteopathic physician, physician assistant, certified nurse practitioner, or a properly trained public health nurse; and

c) Evidence of state-required immunizations - Parents or legal guardians shall be responsible for having their children immunized against designated diseases as authorized by the Tennessee Commissioner of Health.

Proof of immunization shall be established by a certificate of immunization listing all immunizations which a student has received. All certificates of immunization shall be on forms furnished by the Tennessee Department of Health.

In the absence of an epidemic or immediate threat thereof, immunizations shall not be required of any child whose parent/legal guardian/custodian shall file with the school principal a signed, written statement that such immunization and other preventive measures conflict with the parent's/legal guardian's/custodian's religious tenets and practices affirmed under the penalties of perjury.

Immunizations shall not be required if a qualified physician shall certify that administration of such immunization would be in any manner harmful to the child involved.

Additionally, in accordance with the Interstate Compact on Educational Opportunity for Military Children, students of military parents/legal guardians/custodians who enroll or transfer into school for the first time or at any time shall be given 30 days from the date of enrollment or the time determined by the Interstate Commission to obtain immunization or initial vaccinations for a series of immunizations.

#### Enrollment by Power of Attorney

A child whose care, custody, and support has been assigned to a resident of the District by power of attorney or order of the court shall be enrolled in school, provided appropriate documentation is reviewed and approved by the District and one or more of the following circumstances exist: a) The serious illness or incarceration of a parent or legal guardian; b) The physical or mental condition of the parent or legal guardian of the child is such that care and supervision of the child cannot be provided; c) The loss of the child's home or the home being rendered uninhabitable as the result of a natural disaster. The Superintendent may consider additional hardships on a case-by-cases basis.

For a child of a military family, special power of attorney relative to the child's guardianship and executed under applicable law, shall be sufficient for the purposes of

enrollment and all other actions requiring parental participation and consent. Additionally, no tuition shall be charged to a Shelby County Schools student of military parents/legal guardians/custodians who is placed in the care of a non-custodial parent/legal guardian/custodian or other person standing in loco parentis who lives outside of the county. Further, the child may continue to attend the school in which he/she was enrolled while residing with the custodial parent/legal guardian/custodian.

### Enrollment Prior to Residency

A student whose family relocates to the Shelby County Schools District may enroll in the school designated by the family for future residency prior to move-in, provided the move to the school's attendance zone will occur no later than the end of the current school semester. In order to be approved under these circumstances, the parent/legal guardian/custodian must submit one or more of the following items to the department responsible for verifying residency:

- A letter from the employer documenting the recent job relocation
- A copy of the sales contract or lease agreement documenting a closing/move-in date on or before the end of the current school semester
- A copy of the transitional housing lease/rental agreement

If residency in the specified school attendance zone does not occur prior to the end of the current semester, the student will be required to withdraw.

For more information, including information regarding submitting a request for enrollment prior to residency, please refer to the District website.

### Admission of Suspended or Expelled Students from Other Districts

The Board may deny admission of any student (except those in state custody) who has been expelled or suspended from another school system in Tennessee or another state even though the student has established residency in the system in which he/she seeks enrollment.

After a request for enrollment is made, the Superintendent (or designee) shall investigate the facts surrounding the suspension/expulsion from the former school system and make a recommendation to the Board to approve or deny the request. The Board shall not deny enrollment beyond the length of the imposed suspension/expulsion.

If the action of the Board is to deny admission, the Superintendent shall, on behalf of the Board of Education, notify the Commissioner of Education of the decision. Any school system that accepts enrollment of a student from another school system may dismiss the student if it is determined subsequent to the enrollment that the student has been suspended or expelled from the former school system.

The student may not be dismissed for a period that extends beyond the imposed suspension/expulsion.

Policy History: 6002 School Admissions Issued Date: 08/26/10

Legal References:

Tennessee State Board of Education Rule § 0520-1-3-.08

TCA 49-6-5001

TCA 49-6-5002

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## **V. PROOF OF RESIDENCY**

Unless otherwise prohibited by law, parents/legal guardians/custodians having lawful control of students (proof of legal custody shall be required) must provide the following proof of residence in order to enroll a child in Shelby County Schools.

### **General Proof of Residency**

The parents/legal guardians/custodians having lawful control of the student must provide two (2) of the following items listed below:

1. Driver's license or other State or Government (military) issued identification bearing the address at which the student will be residing during the current school year.
2. Most recent MLGW or municipal water bill of the owner, renter, or lessee of the home in which the student will reside during the current school year;
3. Mortgage statement or deed of the owner of the home in which the student will reside during the current school year;
4. Lease of the lessee of the home in which the student will reside during the current school year;
5. Rental Agreement of the renter of the home in which the student will reside during the current school year;
6. Real Estate tax receipt;
7. Public assistance/government benefits check, card, or papers;

8. In the event that two (2) of the items listed above cannot be provided, residency may be established by submitting other documentation deemed to be appropriate proof of residence by the department responsible for verifying residency.

### **Shared Residency Requirements**

Unless otherwise prohibited by law, in the case in which a student resides with his/her parents/legal guardians/custodians having lawful control of the student in the home of someone else, the following proof of shared residency must be provided in order to enroll a child in the Shelby County Schools District:

- A. Unless otherwise approved by the department responsible for verifying residency, the homeowner of the home in which the student resides must accompany the parents/legal guardians/custodians to registration and provide two (2) of the items listed in the **General Proof of Residency Section** above; and
- B. The parents/legal guardians/custodians having lawful control of the student claiming shared residency must provide two (2) of the following items listed below:
  1. **Driver's license or other State or Government (military) issued identification** of the parent/legal guardian/custodians having lawful control of the student, bearing the address at which the student will be residing during the current year;
  2. **Car registration** of the parent/legal guardian/custodians having lawful control of the student bearing the address at which the student will be residing during the current school year;
  3. **Voter registration** of the parent/legal guardian/custodians having lawful control of the student bearing the address at which the student will be residing during the current school year;
  4. **Payroll stub** of the parent/legal guardian/custodians having lawful control of the student bearing the address at which the student will be residing during the current school year;
  5. **Three (3) significant pieces of mail** with a forwarding sticker bearing the address at which the student will be residing during the current school year;
  6. **Government Assistance Communication** directed to the parent/legal guardian/custodians having lawful control of the student bearing the address at which the student will be residing during the current school year.

7. In the event that two (2) of the items listed directly above cannot be provided, residency may be established by submitting other documentation deemed to be appropriate proof of residence by the department responsible for verifying residency. The parents/legal guardians/custodians of homeless students shall not be subject to the provisions outlined in the Shared Residency Requirements section above.

## **Fraudulent Enrollment**

### *Suspicion of Fraudulent Enrollment*

If the school suspects that a child is fraudulently enrolled but is unable to substantiate the suspicion, the principal will report the information to the department responsible for verifying residency for further investigation. The child will remain enrolled at the school while the investigation is conducted. All referrals for residency verification will come directly from the principal or the principal's designee.

If it is verified that a student is out-of-zone or out-of-District, then a letter will be sent to the parents/legal guardians/custodians advising that the student must be immediately withdrawn and should be enrolled by the parent in the appropriate school or District. The school will also receive a copy of this letter. When questions of residency cannot be conclusively determined by the department responsible for verifying residency, the cases will be referred to the Superintendent (or designee) for District-level administrative review.

- A. District-level Administrative Review for Out-of-Zone Fraudulent Enrollment – Cases of out-of-zone fraudulent enrollment that are investigated and substantiated through District-level administrative review will result in immediate withdrawal of the student and advisement to the parent to enroll the student in appropriate school.
- B. Out-of-District Fraudulent Enrollment – Cases of out-of-District fraudulent enrollment that are investigated and substantiated through District-level administrative review will be forwarded to Shelby County Schools' General Counsel as deemed appropriate. After conferring with all offices involved in the investigative process, Shelby County Schools' General Counsel will make a determination about pursuing legal remedies pertaining to fraudulent enrollment. “Any parent, guardian, or other legal custodian who enrolls an out-of-District student in a school District and fraudulently represents the address for the domicile of the student for enrollment purposes is liable for restitution to the school District for an amount equal to the local per pupil expenditure identified by the Tennessee Department of Education for the District in which

the student is fraudulently enrolled.” In the case of out-of-state enrollment, the “parent, guardian, or other legal custodian is liable for restitution to the school District for an amount equal to the state and local per pupil expenditure identified by the Tennessee Department of Education. Restitution shall be cumulative for each year the child has been fraudulently enrolled in the system. Such restitution shall be payable to the School District and, when litigation is necessary to recover restitution, the parent, guardian, or other legal custodian shall be liable for costs and fees, including reasonable attorneys' fees, incurred by the School District.” TCA § 49-6-3003

In the event that a person, other than a student's parent, guardian, or other legal custodian, provides proof that the parent, guardian, or other legal custodian and child are residing in his/her home, that person shall sign a statement affirming that the student is in fact residing in their home. The person signing the statement affirming that the student is residing in their home shall also sign an agreement that if they are found to have falsely represented that the student is residing in their home, the person signing the statement shall be responsible for paying to Shelby County Schools, an amount equal to Shelby County Schools' local per pupil expenditure identified by the Tennessee Department of Education. A student relying upon proof of residency of a person other than the student's parent, guardian, or other legal custodian shall not be enrolled in Shelby County Schools unless the person providing the proof of the student's residence signs the aforementioned agreement, except where prohibited by law or policy (e.g., homeless students).

In accordance with state law, fraudulent enrollment cases which are substantiated and identified as being cases for which a legal remedy should be sought by Shelby County Schools' General Counsel, will be legally pursued using the remedies available under TCA §49-6-3003.

#### *Determination of Fraudulent Enrollment*

When it is conclusively determined that a student is out of the Shelby County Schools District or his/her assigned attendance zone due to fraudulent enrollment, the school will send a standardized letter to the parents/legal guardians/custodians stating that the child will be withdrawn. The withdrawal date provided by the school will be no less than two (2) and no more than six (6) business days from the date the letter is issued. Once a letter is sent to the parents/legal guardians/custodians, staff from the department responsible for verifying residency will conduct future dialogues with the parents/legal guardians/custodians, if necessary.

Policy History: 6006 School Admissions-Issued Date: 08/26/10; Revised: 06/30/11



## **VI. HOMELESS STUDENTS**

Homeless students shall have equal access to the same free appropriate public education as provided to other students.

1. The McKinney-Vento Act (Section 725) defines “homeless children and youth” as individuals who lack a fixed, regular, and adequate nighttime residence, including children and youth who are:

- Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- Living in motels, hotels, trailer parks, camping grounds, or similar settings due to the lack of alternative adequate accommodations;
- Living in emergency or transitional shelters;
- Abandoned in hospitals;
- Students who have a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings (cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations);
- Migratory children who qualify as homeless because they are living in circumstances described above; or
- Unaccompanied youth, including youth not in the physical custody of a parent or guardian, such as runaways and youth denied housing by their families.

2. The aforementioned youth have the following rights:

- a. The right to immediate enrollment in school, even if lacking paperwork normally required for enrollment (e.g., such as previous academic records, immunization records, proof of residency or other documentation);
- b. The right to attend 1) his/her school of origin including feeder pattern schools (see below)<sup>1</sup>, 2) last school attended, or 3) the school in the attendance area where the family or youth is currently residing, based on the parent’s request or

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<sup>1</sup> The definition of “school of origin” now specifically includes preschools and, when a child or youth completes the final grade level served by the school of origin, it also includes the designated receiving school at the next grade level for all feeder schools.

views of an unaccompanied homeless student and where feasible to the District considering the best interests of the child;

- c. The right to receive transportation to his/her school of origin, if this is requested by the parent or District staff charged with assisting homeless students;
- d. The right to services comparable to those received by housed schoolmates, including transportation and supplemental education services;
- e. The right to attend school along with children not experiencing homelessness. Segregation based on a student's status as homeless is strictly prohibited.

The rights of homeless students as defined above shall be posted in all schools and other places around the community (e.g., shelter, soup kitchen, etc.).

District staff charged with assisting homeless students shall be identified by the Superintendent (or designee) and shall ensure that services and information regarding the rights existing under Federal Law are provided to students and parents who are homeless.

Policy History: 6003 Admission of Homeless Students - Adopted 06/26/03; Issued Date: 08/26/10

Legal Reference:

Title X, Part C of the No Child Left Behind Act

Title VII-B of the McKinney-Vento Homeless Education Act of 2001

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## **HOMELESS STUDENTS ADMINISTRATIVE RULES AND REGULATIONS**

### Enrollment/Placement

The choice regarding placement shall be made regardless of whether the student lives with the homeless parent/legal guardian/custodian or has been temporarily placed elsewhere. The District may require a parent/legal guardian/custodian of the student to submit contact information. The District shall provide a written explanation, including a statement regarding the right to appeal, to the homeless student's parent/legal guardian/custodian, or to the homeless student if unaccompanied, if the District sends the student to a school other than the school of origin ("school of origin" is defined as the school that the student attended when permanently housed or the school in which

the student was last enrolled) or other than a school requested by the parent/legal guardian/custodian.

If a dispute arises over school selection or enrollment in a school, the principal or designee shall provide a written explanation of his/her decision to the parent/legal guardian/custodian, and the student shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. The student parent/legal guardian/custodian shall be referred to the District staff charged with assisting homeless students, who will carry out the dispute resolution process as expeditiously as possible. If the parent/legal guardian/custodian continues to disagree with the District's final decision, he/she should contact the State McKinney-Vento Coordinator.

### Services

Services provided to each homeless student include, but are not limited to, transportation services; educational services for which the student meets eligibility criteria, such as educational programs for disadvantaged students, students with disabilities and gifted and talented students; vocational programs and technical education; school meals programs; preschool programs; before- and after-school care programs and programs for students with limited English proficiency. Information on fee waivers shall be made available to the homeless students or to the parents/legal guardians/custodians of all homeless students.

### Records

Any records ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records and evaluations for special services or programs of each homeless child or youth shall be maintained so that appropriate services may be given to the student, necessary referrals can be made, and records may be transferred in a timely fashion when a homeless student enters a new school District. Copies of record shall be made available upon request to students or parents/legal guardians/custodians in accordance with the Family Educational Rights and Privacy Act (FERPA).

### District-level Assistance for Homeless Students

District staff charged with assisting homeless students shall be identified by the Superintendent (or designee) and shall ensure that:

1. Homeless students are identified by school personnel and through coordination activities with other entities and agencies.

2. Homeless students enroll in, and have a full and equal opportunity to succeed in, schools in the District.
3. Homeless families and students receive educational services for which such families and students are eligible, including Head Start, Even Start and preschool programs administered by the District and referrals to health care services, dental services, mental health services and other appropriate services.
4. The parents/legal guardians/custodians of homeless students are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
5. Public notice of the educational rights of homeless students is disseminated where such students receive services, such as school, family shelters and soup kitchens.
6. Enrollment disputes are mediated in accordance with law.
7. The parent or guardian of a homeless student and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin and is assisted in accessing transportation to the school selected.
8. Unaccompanied youths will be assisted in placement or enrollment decisions, their views will be considered and they will be provided notice of the right to appeal.
9. Students who need to obtain immunizations, or immunization or medical records, will receive assistance.

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## **VII. ATTENDANCE OF NON-RESIDENT STUDENTS**

### **Definition**

Non-resident student – A student who resides outside of the boundaries of the Shelby County Schools District.

### **General Statement**

Non-resident students may attend schools within the Shelby County Schools under the following conditions:

## Tuition

1. An out-of-state student must pay a tuition fee established annually by the Board.

For out-of-state non-resident students, tuition shall be charged at the same rate as the average cost per student in the system attended.<sup>2</sup>

2. (a) An out-of-county student must pay a tuition fee established annually by the Board, unless the non-resident student is the child of a full-time, permanent employee/officer of Memphis City Schools employed and who resides outside of Shelby County on the date (3/18/13) of adoption of the Ordinance by the Board of County Commissioner of Shelby County, Tennessee, exempting current Memphis City Schools employees from the residency provision of the Shelby County Charter.

The children of Shelby County Schools' employees may request to attend Shelby County Schools in accordance with Section II of this policy.<sup>2,4</sup>

(b) For in-state, out-of-county non-resident students, annual tuition and fees charged may not exceed per student, per annum, an amount equal to the amount of funds actually raised and used for school purposes by the county, divided by the number of students in average daily attendance in the county schools during the preceding school year. Any per student tuition payment shall be reduced by any amount of funds transferred by the transferring pupil's county of residence under state law (TCA 49-6-3104).

(c) Additionally, in accordance with state law regarding the transfer of students into a STEM school in a district that has established a regional school with a specific focus on STEM, local BEP school funds shall follow the student into the district and no tuition will be charged.

3. The acceptance of tuition/non-resident pupils for a given year does not guarantee continued acceptance in succeeding years. In addition, tuition approvals will be subject to federal guidelines relative to pupil enrollments.

4. Provisions regarding restitution for fraudulent enrollment may apply in accordance with state law and Board policy.

## Application

Non-resident students must make application in accordance with Section II of this policy. Attendance of non-resident students will be in considered in accordance with applicable state law and Board policy.<sup>1,3</sup>

## Non-resident Transfer Students' Records

In accordance with state law, if a student transfers from an LEA to another LEA, then the LEA from which a student transfers shall remit copies of the student's records, including the student's disciplinary records, to the LEA to which the student transfers.

All records shall be remitted in accordance with the Family Education Rights and Privacy Act, codified at 20 U.S.C. § 1232g.

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### Legal Reference:

1. TCA 49-6-3104; TCA 49-6-3105;  
TRR/MS 0520-1-3-.03(11)(f-i)
2. TCA 49-6-3003; TCA 49-6-403(f)
3. TCA 49-6-3108
4. TCA 49-6-3113; TCA 49-6-3103
5. Title 49, Chapter 12, Part 3 - Part Interstate  
Compact on Educational Opportunity for Military Children
6. TCA 49-6-3001 (c)(1)

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## **ATTENDANCE OF NON-RESIDENT STUDENTS ADMINISTRATIVE RULES AND REGULATIONS**

All transfer procedures shall be consistent with the following:

1. Students who become residents of Shelby County and reside within the District's boundaries will be refunded any unused portion of the tuition on a pro-rata basis.
2. When payment is not made on all or any part of the required tuition for a previous year, the student(s) shall be excluded from future attendance until all prior and current tuition is paid.
3. A child who has been legally adopted is eligible to attend a Shelby County school if his/her guardian is a bona fide resident of Shelby County.
4. A Ward of Juvenile Court shall be permitted to attend Shelby County Schools if the court has placed them in the custody of persons residing within the county.

5. For a child of a military family, special power of attorney relative to the child's guardianship and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

Additionally, no tuition shall be charged to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent. Further, the child may continue to attend the school in which he/she was enrolled while residing with the custodial parent/guardian.

6. At the discretion of the District, a student who moves outside of Shelby County Schools' boundaries during the school year may be allowed to complete the current school year at his/her current school. Should a student who moves from the county be granted permission to finish the school year, tuition will be charged for the portion of the year for which the student resides outside of the Shelby County Schools' boundaries. Finishing the school year under these conditions does not qualify a pupil to remain in that school for the next year.

Additionally, pupils who qualify for twelfth (12th) grade classification by attendance in a given school the preceding school year, may request, through the general transfer process to remain in that school until graduation even though they move out of the county. Tuition must be paid and the requirements of the Student Assignment and Transfers section of this policy apply.